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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,574	02/13/2002	Neil Clair Berglund	ROC920010270US1	6572

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT PAPER NUMBER

2154

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/074,574	<b>Applicant(s)</b> BERGLUND ET AL.	
	<b>Examiner</b> Ashok B. Patel	<b>Art Unit</b> 2154	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/13/02</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Application Number 10/074, 574 was filed on 02/13/2002. Claims 1-20 are subject to examination.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: METHOD AND SYSTEM FOR ASSIGNING PHYSICAL AND IP ADDRESSES IN ETHERNET

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ding et al. (hereinafter Ding)(US 2003/0055929 A1)

**Referring to claim 1,**

The reference teaches a method for assigning Internet Protocol addresses in a computer network, said method comprising:

connecting in the computer network a master computer to a slave computer (page 10, para. [0076], "The present invention may also be embodied as a module for operating in a communication system having a plurality of interconnected modules including a base module and at least one non-base module. The module may be either a base module or a non-base module. The module includes at least one management database and management/control logic, where the management/control logic includes database interface logic for maintaining a number of module-specific objects and parameters and a number of stack-wide objects and parameters in the at least one management database, management interface logic for enabling the management/control logic to communicate with a network manager, inter-module communication logic for enabling the management/control logic to communicate with the plurality of interconnected modules, local handlers for processing network management information received from the network manager via the management interface logic and from the other interconnected modules via the inter-module communication logic and sending network management information to the other interconnected modules, and service logic for receiving a protocol message from the management interface logic and directing the protocol message to the local handlers, if the module is the base module or the protocol message is not one of a number of protocol messages requiring synchronization or mutual exclusion among the various interconnected modules, and to the base module via the inter-module communication

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logic, if the module is a non-base module and the protocol message is one of the number of protocol messages requiring synchronization or mutual exclusion among the various interconnected modules.);

assigning by said master computer a physical address to said slave computers;

and

assigning by said master computer a unique Internet Protocol (IP) address to said slave computer such that said master computer manages the IP address assignment of said slave computer (page 4, para. [0036],” Because each Ethernet switching module (110, 120, 130) can be configured to operate as an independent stand-alone device or in a stand-alone mode within the stack, each Ethernet switching module (110, 120, 130) includes management/control logic (115, 125, 135) that enables the Ethernet switching module (110, 120, 130) to be individually managed and controlled, for example, through a console user interface, a Simple Network Management protocol (SNMP) session, or a world wide web session. Therefore, the preferred management/control logic (115, 125, 135) includes, among other things, a Transmission Control Protocol/Internet Protocol (TCP/IP) stack, an SNMP agent, and a web engine. Furthermore, each Ethernet switching module (110, 120, 130) is assigned MAC and IP addresses, allowing each Ethernet switching module (110, 120, 130) to send and receive management and control information independently of the other Ethernet switching modules (110, 120, 130).

**Referring to claim 2,**

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The reference teaches the method of claim 1, wherein said master computer initiates all communications between said master computer and said slave computer (page 10, para. [0076]).

**Referring to claims 3 and 4,**

The reference teaches the method of claim 1, further comprising connecting said master computer and said slave computer in an Ethernet string topology, and the reference teaches the method of claim 1, further comprising connecting said master computer and said slave computer in an Ethernet ring topology. (page 3, para.[0032])

**Referring to claim 5,**

The reference teaches the method of claim 1, further comprising transmitting a signal between said master computer and said slave computer by selectively directing said signal to either a transmission control protocol (TCP) socket or a user datagram protocol (UDP) port on said master computer and said slave computer (page 7, para.[0062], page 10, para. [0076]).

**Referring to claim 6,**

The reference teaches the method of claim 1, further comprising: connecting an intermediate slave computer between said master computer and said slave computer, said intermediate slave computer comprising a software application layer hierarchically above an Ethernet software layer; and bypassing said application layer in said intermediate slave computer when sending a signal to a subsequent slave computer by enabling a forwarding command in said Ethernet software layer when said signal is not

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addressed to said intermediate slave computer. (page 10, para. [0076], page 3, para.[0035]).

**Referring to claim 7,**

The reference teaches the method of claim 1, further comprising storing said IP address in an Address Resolution Protocol (ARP) table in said master computer (page 10, para. [0076],” The present invention may also be embodied as a module for operating in a communication system having a plurality of interconnected modules including a base module and at least one non-base module. The module may be either a base module or a non-base module.”, page 6, para.[0053])

**Referring to claim 8,**

Claim 8 is a claim to a network that implements the method of claim 1. Therefore, claim 8 is rejected for the reasons set forth for claim 1.

**Referring to claim 9,**

Claim 9 is a claim to a network that implements the method of claim 2. Therefore, claim 9 is rejected for the reasons set forth for claim 2.

**Referring to claims 10 and 11,**

Claims 10 and 11 are claims to a network that implements the method of claims 3 and 4. Therefore, claims 10 and 11 are rejected for the reasons set forth for claims 3 and 4.

**Referring to claim 12,**

Claim 12 is a claim to a network that implements the method of claim 5. Therefore, claim 12 is rejected for the reasons set forth for claim 5.

**Referring to claim 13,**

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Claim 13 is a claim to a network that implements the method of claim 6. Therefore, claim 13 is rejected for the reasons set forth for claim 6.

**Referring to claim 14,**

Claim 14 is a claim to a network that implements the method of claim 7. Therefore, claim 14 is rejected for the reasons set forth for claim 7.

**Referring to claim 15,**

Claim 15 is a claim to a computer usable medium comprising computer program code within computer usable medium, computer program code being capable of implementing the method of claim 1. Therefore, claim 15 is rejected for the reasons set forth for claim 1.

**Referring to claim 16,**

Claim 16 is a claim to a computer usable medium comprising computer program code within computer usable medium, computer program code being capable of implementing the method of claim 2. Therefore, claim 16 is rejected for the reasons set forth for claim 2.

**Referring to claim 17,,**

Claim 17 is a claim to a computer usable medium comprising computer program code within computer usable medium, computer program code being capable of implementing the method of claim 4. Therefore, claim 17 is rejected for the reasons set forth for claims 3 and 4..

**Referring to claim 18,**



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Claim 18 is a claim to a computer usable medium comprising computer program code within computer usable medium, computer program code being capable of implementing the method of claim 5. Therefore, claim 18 is rejected for the reasons set forth for claim 5.

**Referring to claim 19,**

Claim 19 is a claim to a computer usable medium comprising computer program code within computer usable medium, computer program code being capable of implementing the method of claim 6. Therefore, claim 19 is rejected for the reasons set forth for claim 6.

**Referring to claim 20,**

Claim 20 is a claim to a computer usable medium comprising computer program code within computer usable medium, computer program code being capable of implementing the method of claim 7. Therefore, claim 20 is rejected for the reasons set forth for claim 7.

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the

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claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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 **JOHN FOLLANSBEE**  
**SUPERVISORY PATENT EXAMINER**  
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